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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,174	10/18/1999	PETER RUDLOFF	016072-00060	6937

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EXAMINER

LEE, DIANE I

ART UNIT

PAPER NUMBER

2876

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,174

Applicant(s)

RUDLOFF, PETER

Examiner

Diane I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: .

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DETAILED ACTION

1. Receipt is acknowledged of the Preliminary Amendment filed 18 October 1999, and the WO 97-11790A which was cited in PCT international search report as "X" reference.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claim 1 is objected to because of the following informalities:
 - (a) Claim 1, lines 10-11: "for this information" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this

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application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3-4, 6, 8, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Moed et al. [US 5,770,841-referred as Moed].

Re claim 1: Moed discloses a system for identifying and authenticating a package 20 which serves as accessories, auxiliary substances and/or operating substances for items of equipment, wherein the package being provided with a bar code 36 and a destination address data 38 as a data carrier portion on which information that can be detected by the human eye and is distinctive to a human viewer is stored (see figure 2);

the items of equipment (i.e., the system for operating the packages or substances) being provided with an imaging system 12 and a label decoding system 14 as a reading and evaluating device (see figure 1);

the reading and evaluating device 12 having a comparison device for comparing the reading information with a stored item of information (i.e., database) as well as an enabling controller for at least one functional component of the item of equipment in such a way that if the read information coincides with the stored information an authenticating signal or enabling signal is supplied by the enabling controller to the functional component, which thereupon permits operation of the item of equipment and if the read information does not coincide with the stored information disables operation of the item of equipment (i.e., when the system unable to verify a decoded destination address, the system disables the normal continuing the package processing by displaying the destination address image on the workstation for an operator's review and a manual correction) (see the abstract, col. 9, lines 27+).

Re claim 3: the data carrier portion has a first region (i.e., a bar code data 36), in which only machine-readable information is stored, and a second region (i.e., a destination address data 38 which typically consist of alphanumeric text arranged I two or more lines), in which the information that can be

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detected by the human eye and is distinctive to the human viewer is store (see col. 5, lines 32+ and figure 2).

Re claims 4 and 8: wherein the data carrier portion includes at least one reference marking 42 for the orientation of the reading device (see col. 7, lines 55+; col. 11, lines 2+; and figure 2) and wherein the reference marking has a frame 40 (i.e., area or block defining the destination address block) reaching around the second region of the data carrier portion.

Re claim 6: the first region of the data carrier portion has a multiplicity of a binary pixel code lines (i.e., bars/spaces, 1s/0s, or high/low), the binary pixel code containing the only machine-readable information, and the second region of the data carrier portion has a plurality of lines of pixel code which together form the information that can be detected by the human eye and is distinctive to the human viewer (i.e., the destination address data having an image captured by a high resolution camera or a CCD with the application of optical character recognition techniques) (see col. 11, lines 37+).

Re claims 11 and 12: Moed teaches the process of a detecting and decoding information provided on an optically readable data carrier portion comprising the steps of:

registering the optical information present on the data carrier portion (i.e., a fiduciary mark detector 24 having a camera detecting the mark and determine the orientation, position of the destination block) (see col. 5, lines 32+);

identifying the first and second region of the data carrier portion (col. 11, lines 2+);

reading out and decoding the binary information contained in the first region, i.e., in the bar code data (see step 402 in figure 4);

reading out the optical information (i.e., a second region) present on the data carrier option (i.e., capturing the image by the high resolution camera 16 and decoding the image at the label decoding system 14) (see col. 7, lines 64+);

comparing the read-out information with a stored information sample (see col. 9, lines 22+); and

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generating an authenticating signal (i.e., a valid signal) if the read-out information of the second region has been detected as coinciding with the stored information sample (see col. 9, lines 27+);

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 5, 7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moed. The teachings of Moed have been discussed above.

Re claims 2 and 5: Although Moed states that the second region is a destination address data 38 which typically consist of alphanumeric text thus the information can be detected by the human eye and is distinctive to the human viewer, Moed does not states that the second region is formed by a trademark.

Since the trade mark can be a name identifying a product, company name such a "coca-cola", "Kellogg's", "3M company", and etc. that is officially registered and legally restricted to use of the owner, the destination data having a name of the company which some of the company name may be officially registered and legally restricted to use. Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the second region forms a trademark so long as the name is officially registered and legally restricted to use.

Re claim 7: Moed does not explicitly states the machine-readable limit marking.

Since the imaging system only reads and decode the image on the first and second region of the package, the third region of the top surface 34 of the package (surface other than the first and second region) serves as a machine-readable limit marking which preferably comprises at least one blank area provided between the first region of the data carrier portion and the second region of the data carrier

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portion. Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the blank space on the top surface between the first and the second region is a machine-readable limit marking in order to distinguish the two different image.

Re claim 9: Moed states that the bar code may extend to a two-dimensional code (see col. 11, lines 10+). Upon providing two-dimensional bar code, the binary pixel code of a line in each adjacent lying row of the two-dimensional code would have a row of bit markings of the binary representation of an item of information.

Re claim 10: Moed does not explicitly teach the binary bit markings having a check digit additionally provided in each line for the binary representation of the information. However, a conventional check digit (e.g., the numbers 0 through 9) or a check character (i.e., value is based on some mathematical relationship of the other characters in the symbol) placed in a predetermined position in a bar code symbol is well known in a validating the process for correctly decoding the symbol by the scanner. Therefore, the binary bit markings having a check digit additionally provided in each line for the binary representation of the information would have been an obvious extension taught by Moed for facilitating the decoding process.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Storch et al. [US 5,548,110] and Gupta et al. [US 5,307,423] discloses a symbol having a check digit additionally provided in each line for the binary representation of the information; and

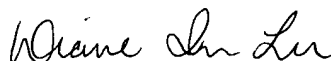
Suzuki [EP-782,053 A2] discloses a medium having an alphanumeric text which provides information can be detected by the human eye, distinctive to the human viewer, and the region is formed by a trademark and/or a company logo.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Friday from 6:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Diane I. Lee
Examiner
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January 10, 2002